

**Mary Midura**

**From:** Adam Cohen [winningwriters@winningwriters.com]  
**Sent:** Thursday, November 10, 2011 3:51 PM  
**To:** Mary Midura  
**Subject:** Re: Revised Agenda November 15, 2011 Special Act Charter Drafting Committee

Dear Mary,

I would like to submit the public comments below (in red) regarding the charter. Thanks.

Adam Cohen  
[adam@winningwriters.com](mailto:adam@winningwriters.com)  
134 North Street, Apt 2  
Northampton, MA 01060



**Northampton Special Act Charter  
Drafting Committee**

David P. Stevens, Chair  
Gail L. Perlman  
Madeline Weaver Blanchette  
Marc Warner

Todd  
William  
Thomas Miranda

Thompson  
Scher

Richard Greene

Megan Murphy Wolf

Stephen McGoldrick, Deputy Director, Edward J. Collins, Jr. Center for Public Management, University of Massachusetts

**Public Forum**

**Tuesday, November 15, 2011**

**6:30 p.m. in City Council Chambers, 212 Main Street,  
Wallace J. Puchalski Municipal Building, Northampton, MA**

**Requesting Public Comment for Proposed Changes to the City Charter – including, but not limited to:**

**Should the City Council/School Committee structure change? Should there be more or less Ward Councilors, At-Large Councilors, School Committee members or At-Large School Committee members?**

**Should the Mayor, City Council/School Committee be elected for 2-year or 4-year terms? Should the Mayor, City Council/School Committee have term limits (i.e., no more than two 4-year terms)?**

**I believe City Councilor terms should remain two years. Four years is too great a commitment for such a demanding job with low compensation.**

**I believe the Mayor should serve for 8 years maximum to make it less likely that a small group will become entrenched in power.**

**I do not believe City Councilors should be subject to term limits. They need more power in the city, not less.**

**Should Mayor, City Council/School Committee compensation and /or benefits increase or decrease?**

**I would like to see a substantial increase in compensation for City Councilors. It would allow more people to seek office. Too often councilors in Northampton run unopposed.**

**Should the Mayor preside over City Council/School Committee meetings?**

**No. The Mayor's power has become excessive and needs rebalancing.**

**Should the City Clerk be elected or appointed?**

**The City Clerk should remain an elected position. It is an important check on the power of the Mayor.**

**No votes will be taken.**

**NEWBUSINESS – *Reserved for topics that the Chair did not reasonably anticipate would be discussed.***

Please visit [http://www.northamptonma.gov/citycouncil/Special\\_Act\\_Charter\\_Drafting\\_Committee/](http://www.northamptonma.gov/citycouncil/Special_Act_Charter_Drafting_Committee/) for more information.

If you are unable to attend this Public Forum:

To submit questions and/or comments regarding the Charter, please email [mmidura@northamptonma.gov](mailto:mmidura@northamptonma.gov) or deliver or mail written comments to Mary L. Midura, Executive Secretary, City Council office, 210 Main Street, Room 16, Northampton, MA 01060.

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**From:** "[mmidura@northamptonma.gov](mailto:mmidura@northamptonma.gov)" <[mmidura@northamptonma.gov](mailto:mmidura@northamptonma.gov)>

**Date:** Thu, 10 Nov 2011 14:32:52 -0500

**To:** <undisclosed-recipients:>

**Subject:** Revised Agenda November 15, 2011 Special Act Charter Drafting Committee

The attached agenda has been revised as of November 9, 2011. Your attendance at the Public Forum of the Special Act Charter Drafting Committee is welcome and encouraged!

Mary L. Midura, Executive Secretary

*Northampton, MA City Council & License Commission*

210 Main Street

Northampton, MA 01060

413-587-1210

413-587-1264 fax

office hours: Monday - Thursday 8:30 am-4:30 pm

Friday 8:30 am - 12:00 pm

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**Mary Midura**

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**From:** Jendi Reiter [JBReiter@aol.com]  
**Sent:** Tuesday, November 15, 2011 10:15 AM  
**To:** Mary Midura  
**Subject:** Comments for charter revision

Dear Ms. Midura,

Thanks for your work on the charter revision public comment process. Since I can't attend the public forums, here is my input on the questions being considered.

**Requesting Public Comment for Proposed Changes to the City Charter – including, but not limited to:**

**Should the City Council/School Committee structure change? Should there be more or less Ward Councilors, At-Large Councilors, School Committee members or At-Large School Committee members?**

The number of councilors and committee members seems all right to me, but I would be interested to see the arguments in favor of adding more. I would not support a decrease in the number of councilors since the council's power is already weak compared to the executive. Different wards have different interests so it is good that each one has representation.

**Should the Mayor, City Council/School Committee be elected for 2-year or 4-year terms? Should the Mayor, City Council/School Committee have term limits (i.e., no more than two 4-year terms)?**

I support term limits for the mayor, since the power of incumbency builds with time and creates an uphill battle for challengers. Term limits for councilors do not seem necessary at this point. The electoral process is producing sufficient turnover. Four years is too big a commitment for councilors since they are paid so little. This change would further restrict the job to those who are independently wealthy, which means less representation for working-class and middle-class interests in our community.

**Should Mayor, City Council/School Committee compensation and /or benefits increase or decrease?**

City councilors should be paid a salary that reflects that this is a full-time job, so I would substantially increase their pay, perhaps with cost savings from reducing some appointed positions in the executive branch, to create a better balance of power. The mayor's pay seems adequate. I am less familiar with the School Committee workload and salary, so I don't have an opinion.

**Should the Mayor preside over City Council/School Committee meetings?**

No, the executive has too much influence as it is.

**Should the City Clerk be elected or appointed?**

Elected, for the same reason as above.

Thanks,  
Jendi Reiter

November 15, 2011

Comments for Public forum held by the Northampton Special Act Charter Drafting Committee

Wendy Foxmyn, lived in Northampton 17 years....western MA resident 35 years. I worked for the city a little over 20 years ago, running a grant program, working with Mayor Musante. I was apptd. by Mayor Ford to serve on the task force that recommended the creation of the city's Human Rights Commission. Most recently, I chaired the Solid Waste Reduction and Management Task Force and before that served on the Ad-Hoc Committee on Best Practices in Northampton Decision-Making. We are here tonight as the direct result of one of the strongest recommendations of the Best Practices Committee: creating a new city charter.

**More background, mostly for context purposes:** I've worked as a town administrator, assistant town administrator or interim administrator in over a dozen western Mass. communities. I was an elected member of the Greenfield Town Council, serving on the finance committee as well as other council committees, other town and regional boards and committees and was elected to the first of 3 Franklin County Charter Commissions. I have been providing municipal and non-profit consulting services over 20 years. *I am an Associate of the Collins Center, although I have not been actively engaged with their project work.*

I attended the first Charter Review meeting and their public hearing and engaged in active conversation with the committee at those meetings.

I am on your email distribution list and have read all the distributed materials I've received, with some exceptions for items with which I am already familiar.

In response to tonight's topics:

1. Structure - I think the current size and structure of both the CC and the SC works well in representing the population. This is good, as the alternative for re-drawing the wards is enormously cumbersome, esp. if your intention is to enact this as a Special Act Charter.

2. Terms - My experience with towns is 3-year terms work well. I think 2 is too short and 4 is too long. 4 years is daunting for a candidate considering running for councilor or school committee. I don't know the structural difficulties relative to elections, staggered terms, etc., but if those could be worked out, I believe 3-year terms for mayor, council and school committee would be best. If given the choice between 2 and 4, I'd prefer 4 but would feel even more strongly about term limits.

Term Limits: 9 - 12 years, depending on the terms (3 or 4); basically, 3 terms. I had not planned on discussing reasons for supporting term limits, but will do so if the committee wishes to hear more on that issue.

3. Compensation - I don't have a strong opinion about the CC or the mayor's current compensation. I believe it is rare for school committees to receive any compensation, so I'd like this committee to review and compare this with other municipalities. I hate to begrudge anybody fair compensation, particularly in this environment of reduced or stagnant pay, lack of jobs and a volatile health insurance scenario, BUT I think, esp. given our very tight municipal budget, health insurance should NOT be available to councilors and school committee members. This is a tremendous expense and not predictable, as well. I communicated with Sen. Rosenberg about legislation he filed several years ago that would

have allowed local officials' access to their municipality's health insurance with full payment by the elected official. I have not heard from him or his staff, but I believe this legislation has not gone anywhere. There are various reasons why this option, although sounding good, may be infeasible.

I have been asked to run for council several times. I must admit the health care coverage would be a big draw for me. Not to diminish their hard work, but I know it has been a consideration for some current councilors, perhaps school committee members, as well, and others who have previously served. This is not a good reason to run for office.

4. Mayor's presiding – I agree with what I hear as a general consensus for the Mayor to NOT preside over CC meetings. I have mixed thoughts about the Mayor presiding over the SC, but all things considered, I think it would work better to have an SC member chair and preside, with the Mayor having full voting powers. On a related note, the current situation with the CC President holding the mayor's seat when the mayor is absent or vacates, poses both a political perception problem, as we've seen, and a checks and balances problem relative to CC and Mayor votes and vetoes. I hope you will examine this issue.

5. City Clerk – I have mixed thoughts about this. I strongly supported the change of the Treasurer's position from elected to appt'd. Clearly, if the committee recommends changing the Clerk to an appointed position, it should happen upon the vacancy of the incumbent.

I have concerns about city appointments in general...dept. heads, employees, and boards and committees. I believe dept. heads and other employees should be hired, promoted, etc. via a professional process, strictly following personnel policies and ordinances. Most importantly, we should be looking for the best person for a position, with lesser consideration for their relationship to the city (i.e., already an employee, a resident, friend of mayor or councilor, etc).

This leads me to two other issues I offer for your consideration:

The Town of Amherst's most recent, and failed, attempt at a charter change proposed a Town Manager/Mayor/Council form of government. I didn't like this proposal when it was voted upon, but have reconsidered and believe this would be a good model for Northampton. As a professional administrator I know the skills and knowledge town and city managers must possess and the ethical framework they are sworn to. I think we have been lucky to elect smart, hard-working mayors, but they must balance the often competing factors of sound management and politics. In this Manager/Mayor scenario, the Mayor would be weakened, but still perform the important work of representing the city locally, regionally, in Boston, and Washington and be a leader in city policy development. They could be directly elected or elected by the City Council. I don't believe your committee or the predecessor review committee has considered this Manager/Mayor option, but I hope you will, at least, reflect on the issues it raises.

Lastly, I hope you will all become familiar with the Best Practices Committee's report and recommendations. I believe there are a number of policies and procedures, sample documents, and structural recommendations that could find their way, if not into a charter document verbatim, into important tangential recommendations and, at the very least, your thoughts and intentions as you move through your work.

Thank you.

To the northampton special act charter draft committee  
(Public hearing Nov, 15<sup>th</sup> 2011)

My name is Jesus Leyva, and I am a 15 year resident of the city who now lives on Holyoke st. In the time that I have spent attending and participating in the best practices committee meetings and from my own personal experience participating in other city forums over the past four years I feel there are two key concerns that residents have expressed over and over again in the hope that the city would address them through this committee or another similar public body. They are:

- Consolidation of decision making power in the city's administration
- The need for residents to have greater participatory power in the city's decision making process

The questions you have put forth tonight for this public hearing address these concerns in part and in response to those questions I submit the following answers as a resident of the city:

1. The mayor should not chair or vote on either the school committee or the city council
2. The mayor should not serve for more than 2 consecutive terms or 4 years.
3. City councilors should not serve for more than 3 consecutive terms or 6 years.
4. The city clerk should absolutely remain an elected position, political decisions in the city have in fact on more than one occasion rested solely on this elected position. I would add that because this position is involved in the election process in general that it serves as a necessary checks and balances. This meets one or more criteria included in the "framework for considering elected and appointed offices" document presented to this committee.
5. There should be no change to the amount of time a mayor or a city councilor serves for or any changes to the number of elected city positions. To address the october 12 meeting notes where there was a concern that there was no competition for city council seats, a forced vacancy of the seat by creating term limits would create competition for that seat. Any person who has participated in the process to elect a person to public office will tell you that it is incredibly resource intensive to unseat a sitting elected official, the simple fact that they hold the elected contested seat perpetuates the idea that the incumbent should continue to hold their elected position. I would furthermore say that continuity of city planning should not be a concern that prompts this committee to expand the time of service for elected officials or vote against recommending term limits. City administrators can and do maintain that continuity.

I also further submit the following recommendations:

1. Appointed positions in the city should be limited to a service of no more than 5 years on the same committee or board.
2. This committee should consider recommending that the chair of the planning board and the board of public works should be elected positions and further consider one more existing appointed position on both of these boards to be an elected position. This is consistent with the model we have adopted for the community preservation committee. It is also consistent with the criteria submitted to this committee for why a position should be an elected one as both of these bodies have strong independent decision making roles in the city where sole responsibility for a public policy decision has in the past fallen upon both of these appointed bodies. I would add that while there may be some technical expertise required for both of these boards the appointed membership still outnumbers the elected membership that I am proposing.
3. I do not know if this falls under the purview of this committee but the budget of the city needs to be a line item budget that is readily and easily accessible to the public. This should include the various enterprise funds including the solid waste enterprise fund. These should be available online in an accessible format to reflect the culture of our times.

**Mary Midura**

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From: levey@crocker.com  
Sent: Wednesday, November 23, 2011 9:46 AM  
To: Mary Midura  
Subject: Comments for Charter

Dear Mary

I was sorry to not be able to attend the last Forum.

It is my belief that Northampton has done very well with the "strong mayor" type of government.

The job of Mayor is the equivalent of a CEO for a \$90million corporation. We took that into consideration when the choice of candidates was made in the last election. The City selected a Mayor knowing that this was the case and by a stunning margin.

The Mayor is a full-time position with the requisite salary.

The role of Councillor is a part-time job. Most of the candidates have other employment: In addition to Council meetings each Councillor is part of committees which have their own meeting schedules.

I feel that changing the way Council meetings are conducted would be wrong. The Mayor has the time and the staff to create the agenda and to prepare the information needed for the Councillors to make decisions. The Mayor can not ram something through the Council unless the Councillors agree. The Councillors can always vote to table a discussion or send it to a committee for further review and recommendations.

If the Council President was responsible for running the Council meetings the amount of work involved would make most of the Council members avoid the role. We would potentially lose out on expertise because the best candidate had a full-time job elsewhere.

We should look at some of the other communities which have Selectmen. Seemingly simple decisions take months of meetings because questions come up at the Board meeting and no one has the needed information.

If we look at our current Council there are only a few members who could stand for Council President if it involved more time and work. We would only be hurting ourselves if we put more obligations onto this position.

I feel that some of the people bringing the requests to curtail the power of the Mayor are still living in the past and nursing past grudges. We have a new Mayor and we should not start his term this way.

In addition, I feel that Northampton would benefit from having a 4-year term for the Mayor. The Council (Legislative branch) with the powers to approve and confirm is a check & balance to the Executive. We would benefit from the stability of a longer term.

Thank you,

Jim Levey  
12 Forbes Ave.

**Mary Midura**

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**From:** Bill Scher [billscher@aol.com]  
**Sent:** Tuesday, November 29, 2011 10:24 AM  
**To:** Mary Midura; dpsjkr@comcast.net; gperلمان@comcast.net; mwblanchette.law@gmail.com; marc@warnertransportation.com; meganmurphy.wolf@gmail.com; egreene20@comcast.net; stephen.mcgoldrick@umb.edu; tommiranda@comcast.net; tkthompson@yahoo.com  
**Subject:** Public comment on chairing Council meetings

The author of this email to Councilor Schwartz asked me to share it with the full committee and make it part of the public record.

On Mon, Nov 28, 2011 at 11:50 AM, Pat Byrnes <pbyrnes@regionalhousing.net> wrote:

Pamela,

Thanks for this. Unfortunately, I'll be at work all day today. But, I do want to go on record for keeping the Mayor as the leader of the City Council meetings. Don't know if the charter committee is the appropriate place for that comment.

Thanks.

Pat Byrnes  
Regional Housing Network of MA  
20 Hampton Court  
Northampton, MA 01060  
413.233.1901



Mary Midura

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To: wendy foxmyn  
Subject: RE: for charter committee consideration

Wendy – I have forwarded your email to the members of the Special Act Charter Drafting Committee.

Thank you!

Mary L. Midura, Executive Secretary  
*Northampton, MA City Council & License Commission*  
210 Main Street  
Northampton, MA 01060  
413-587-1210  
413-587-1264 fax

office hours: Monday - Thursday 8:30 am-4:30 pm  
Friday 8:30 am - 12:00 pm

**From:** wendy foxmyn [<mailto:wfoxmyn@gmail.com>]  
**Sent:** Thursday, December 01, 2011 10:05 AM  
**To:** Mary Midura; Stephen McGoldrick  
**Subject:** for charter committee consideration

Hello Mary,  
Please submit the following question for consideration to the special act committee. I do not plan on attending the 12/6/11 meeting.  
Thank you.

Has the committee discussed the Northampton Housing Authority's composition? Currently, it is a statutorily defined "quasi-public" agency (MGL 120B, s.5). Pursuant to the chapter, 4 members are appointed by the mayor, 1 by the governor. This seems antiquated. I believe the charter revision offers an opportunity to re-define the housing authority and the composition and appointment/election of board members.

--  
Wendy Foxmyn  
413-584-2148

**Mary Midura**

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From: Bill Scher [billscher@aol.com]  
Sent: Thursday, December 01, 2011 9:54 AM  
To: Mary Midura; dpsjkr@comcast.net; gperlman@comcast.net; mwblanchette.law@gmail.com; marc@warnertransportation.com; meganmurphy.wolf@gmail.com; egreene20@comcast.net; stephen.mcgoldrick@umb.edu; tommiranda@comcast.net; tkthompson@yahoo.com  
Subject: Public comment

The author of this email asked me to share it with the full committee and make it part of the public record.

-----Original Message-----

From: EricS7443 <erics7443@comcast.net>  
To: billscher <billscher@aol.com>  
Sent: Wed, Nov 23, 2011 10:30 am  
Subject: Charter

I'll be out of town on the 28th and Pam has made your address available.

My suggestions to change: 1] elections every 4 years for councilors and Mayor coinciding with national elections. It would save money and improve voter turnout. It would also allow elected officials to get something done between campaigns. 2] I believe the Mayor should continue to chair council meetings. 3] The Mayor needs to be an integral part of the School committee but not necessarily be the chairperson. 4] I believe the clerk's position should be appointed based on a person's qualifications and approved by the council's simple majority. 5] I believe that if a council member needs to leave the post that a replacement be appointed from a group of interested persons unless more than 50% of term is left to be served, then an election. The person appointed would have to be approved by the council's simple majority. 6] I believe persons serving on the CC and SC should be paid. CC \$10M, SC \$5M. I also believe the Mayor's position should certainly be paid commensurate with police, fire, and school leaders.

Thank you.  
Eric Stahlberg  
PO Box 815  
Easthampton, MA

## Mary Midura

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**From:** Bill Scher [billscher@aol.com]  
**Sent:** Thursday, December 01, 2011 10:24 AM  
**To:** Mary Midura; dpsjkr@comcast.net; gperlman@comcast.net; mwblanchette.law@gmail.com; marc@warnertransportation.com; meganmurphy.wolf@gmail.com; egreene20@comcast.net; stephen.mcgoldrick@umb.edu; tommiranda@comcast.net; tkthompson@yahoo.com  
**Subject:** Suggested email text to promote public forum

I encourage you again to spread the word about next week's forum with the help of your councilors, neighborhood associations or other organizations and networks.

Here is some suggested email language to use, but of course feel free to modify to your liking. See you next week!

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SUBJECT: 12/6 6 PM Public Forum: Rewriting Our City Charter

HOW WOULD YOU REWRITE NORTHAMPTON'S CITY CHARTER?

The Second "Constitutional Convention"

From the Special Act Charter Drafting Committee

Tuesday Dec. 6

6 PM

City Council Chambers

Last month, I and my colleagues on the Special Act Charter Drafting Committee had a great public forum on how we should rewrite Northampton's city charter, as citizens engaged in a rich debate on issues such as terms for elected officials, compensation for election officials, and the scope of mayoral power.

But we want as much public input as possible, as early as possible, before we conclude our work and submit recommendations to the City Council on January 19th. (After approval by the Council and the state legislature, it would be subject to final approval by Northampton voters.)

Therefore, we are hosting a second "constitutional convention" this coming Tuesday, December 6th, 6 PM in the City Council chambers. I hope you can join us and help spread the word so the whole city can take part, either in person or by watching on Northampton Community TV.

We will be soliciting feedback on areas we didn't get to last month, such as election procedures and mayoral vacancies. But we will also reserve time so citizens can share ideas regarding any aspect of the charter.

If you didn't see our last forum, video is available at <http://www.northamptontv.org/charter-review-committee-forum-2011-11-15/>.

And you can also share your thoughts with the committee and the public by emailing Executive Secretary Mary Midura at [mmidura@northamptonma.gov](mailto:mmidura@northamptonma.gov).

This is a rare opportunity for the city to come together and determine how we should govern ourselves for the next 100 years. Please help us spread the word. Thank you.

## Mary Midura

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**From:** Tom Miranda [tommiranda@comcast.net]  
**Sent:** Saturday, December 10, 2011 8:24 AM  
**To:** 'barry'; Mary Midura  
**Subject:** FW: city charter - write up  
**Attachments:** charter-writeup.doc

Barry

Thank you for your well reasoned suggestion. I will forward it to Mary Midura for circulation. I believe (and I may be incorrect) that the open meeting law does not allow me to forward this to the other members directly outside of an open meeting. Mary will forward this to the other members of the committee.

If you wish, you can also forward to the individual committee members.

Mary please forward the attached document and the email below to all committee members.

Tom

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**From:** barry [mailto:abenideemail@comcast.net]  
**Sent:** Thursday, December 08, 2011 12:03 PM  
**To:** 'Tom Miranda'  
**Subject:** city charter - write up

Hi Tom –

This is a quick first draft. Michael Janick mentioned to me that you helped with the turtles by Cardinal Way. It is the threat to all the other living things by humans that keeps me involved in politics to try and have humans show some mercy.

I think this is a reasonable starting point and look forward to your critique. After reading over applicable parts of the charter I feel with your help, this can be accomplished.

Thanks,  
Barry  
587 9842

===== write up  
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There is a major flaw in the charter as it exists and it is having a profoundly deleterious effect on the operation of the city government with serious harm to the community. The city charter revision committee has the authority to make the relatively minor changes required to the city charter in order to restore its proper functioning.

The problem is tied to the fact the actual legislating is taking place behind closed doors within the various council committees and committees within these committees as opposed to the city council itself.

The committees become collaborations between vested interests who spur the agenda and committee members or government employees who though charged with protecting the community can be worn down. The result is that what often comes out of these meetings is a proposal designed to meet the vested interests of the original proponents rather than the community at large. And the recommendations put forward only reflect one perspective.

The problem lies in part with the wording of section 5.6

(6)  
City Council committees shall review proposed ordinances referred to them and make recommendations regarding their adoption to the City Council.

This wording was fine 100 years ago but the operations of the city have changed since then. At that point in time the city did not operate with a 100 million dollar budget , the issues confronting the city councilors were far more restricted and the demands on peoples times were far less.

As a result it was possible for the city councilors to rely on the recommendations of the city council committees as they most likely would have had some inherent understanding of the issues at stake and could act as a deliberative body upon reflection of the information they were presented with. Not so today.

Instead what we have is a legislature that acts more as a 'rubber stamp' and accepts unquestioningly the pros by the committees which at the same time omit the cons, resulting in thoughtless rubber stamping.

Just as important the practical effect is to engage in what are defacto ILLEGAL actions. Specifically, as an example, the state requires that abutters of effected land changes be notified in writing to attend a hearing where the matters can be discussed. I attended one such hearing over the dismantling of some environmental protection ordinances within the water protected areas of Leeds and Florence only to be told quite candidly by a sponsor of the proposed change that the only reason for the hearing was to meet the state law. (Note: I had two guest columns on this subject in the "Daily Hampshire Gazette.") That it would have no effect as to much work had gone on beforehand for there to be any possibility of a change in the proposed reversal. Furthermore, the proposal made no mention of any objections raised or alternative proposals.

This is unacceptable. You as the charter revision committee must address it.  
And it is easy enough to do. Charter 5 - Functions of City Council committees. - 6

The wording simply has to be changed to state :  
City Council committees shall review proposed ordinances referred to them and draw up a document stating the pros and cons of their stated position in favor of or in opposition to a given ordinance.  
Said document should be available to the public prior to any vote within the city council for an opportunity by the community to amend with pros or cons on the issue, so long as it is stated in a factual fashion.

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Along with that the wording is weak in section  
Charter 5 - Powers and duties of City Council Committees - 7

(7)  
Committees shall keep minutes and submit them to the City Council.

This is not being done in a meaningful way. The document needs to be written in clear understandable English. The documentation needs to be enforced.

Currently this is omitted more often than it is implemented. And often where it is implemented it is incomprehensible.

=====  
**There is one more major reason for this need. It is the same need that is in part responsible for the paralysis in government at the federal level.**

The framers of the charter and the constitution did not and could not envision the impact of media and in particular social media and blogs and radio and television and so forth.

These media have had two unintended effects.

- 1) There is a propensity for individuals to listen to media outlets which reinforce their views and do not allow for the views of those who disagree.
- 2) Anyone who has the temerity to offer an unpopular view is potentially subjected to harassment that was not possible in the prior century. This makes it extremely difficult for anyone to speak up.

As an example, in the recent elections no one could be found who was willing to oppose the CPA in a public debate, though many in private were opposed to it. This can be assumed to be 30% as that were the number of votes against its renewal.

I saw on one public blog where someone called those opposed 'cowards' for not coming out and stating their position.

Furthermore we are told by the city councilor (Tacy) who actually had the ballot over the CPA put up for a vote that he received a great deal of harassment about the issue. What concerned the councilor was not that the harassment came because he was opposed to the CPA, (which he was not) rather the harassment came simply because he wanted a discussion of the matter.

And this is perhaps a less controversial issue than many which may come before the councilors.

I myself know that I am afraid to raise issues before the city council, even where I know that important perspectives are not being raised.

As an example I happened to be at a city council meeting at the time a vote was being taken on whether or not to have the police enforce immigration laws. As I was approaching the city council I saw about 20 protesters opposed to the enforcement standing along side city hall. They were also singing. They were singing in Spanish.

I remarked as I passed by that they would make a better case if they were to sing in English. One of the young male protesters followed me into the city council towered over me and effectively menaced me.

It was quite remarkable that not a single reservation was raised on the issue, regardless of the decision before the vote was taken. Having degrees in economics and having been involved with city politics for some time, I personally believe that illegal immigration does impact lives on all sides of the table and is worthy of a frank and open discussion. As things are set up right now, discussions on these things will simply not happen. Rather each side will take to vilifying the other.

Democracy cannot function when this is how it operates.

Therefore I believe on any issue involving a certain dollar amount (to be decided) or having an impact deemed significant by residents – that the pros and cons be listed before any vote is taken within the city council.

**I cannot state strongly enough how important these proposed measures are.**

Below are applicable charter rules. While the proposed changes being discussed collectively address the issue of how the committees are formed they fail to address in an adequate fashion how the documents produced by the committees are utilized.

From the city charter:

, said Committee shall file a written report to the City Council outlining its review and recommending any changes to the City Charter that it deems necessary or desirable for the effective function of government in the City of Northampton.

The areas of code needing correction are tied to Chapter 5 Administration of Government  
Are in chapter 5 Functions of City Council committees. (of which critical notes are kept here)

Functions of City Council committees.

(1)

The committees shall provide a link between the Council and City departments and other bodies responsible for the implementation of Council policies and plans.

(2)

The committees shall serve as the primary mechanism of communication and support between the Council and these other bodies, and thus inform the Council of pertinent information related to the function of these other bodies.

(3)

The committees shall provide a means for monitoring the implementation of Council policies and plans, and for identifying needs for new policies.

(4)

The committees shall provide a structure for communication among City departments and for the integration of services across departments.

(5)

City Council committees express their actions as recommendations to the Council as a whole. No activity of a Council committee may serve to limit information reaching the Council in a timely way, or to substitute its judgment for the actions of the Council as a whole.

(6)

City Council committees shall review proposed ordinances referred to them and make recommendations regarding their adoption to the City Council.

D.

Powers and duties of City Council Committees.

(4)

Committees may create their own subcommittees and working groups, which may include members who are not City Councilors.

(5)

Committees will normally set aside a period for public comment during each meeting.

(6)

Committees are also empowered to hold public hearings, discussions, workshops, and other activities designed to inform the public and to provide forums for public expressions of views related to the specific responsibilities of the several committees.

(7)

Committees shall keep minutes and submit them to the City Council.

The problem with the charter is that the operations of the city have changed markedly from when it was put together over 100 years ago. At that point in time the city did not operate with a 100 million dollar budget, the issues confronting the city councilors were far more restricted and the demands on peoples times were far less.

As a result it was possible for the city councilors to rely on the recommendations of the city council committees as they most likely would have some inherent understanding of the issues at stake and could act as a deliberative body upon reflection of the information they were presented with. Not so today.

---

**From:** Tom Miranda [mailto:tommiranda@comcast.net]  
**Sent:** Wednesday, December 07, 2011 6:55 AM  
**To:** 'barry'  
**Subject:** RE: city charter

Barry

I will look for it. Make sure the subject line says "Charter" or similar so it does not get missed in my in box.

Tom

---

**From:** barry [mailto:abenideemail@comcast.net]  
**Sent:** Tuesday, December 06, 2011 11:06 PM  
**To:** tommiranda@comcast.net  
**Subject:** city charter

Hi Tom –

Thanks for serving on the charter revision committee and for letting me know you understand the point I was trying to make.

I will work up something in writing over the next 2-3 days and very much appreciate your help.

Barry Roth  
413 587 9842



Barry Roth  
88 Acrebrook Drive  
Florence, MA 01062  
587 9842

12/13/2011

David P. Stevens; Gail L. Perlman; Madeline Weaver Blanchette; Marc Warner  
(marc@warnertransportation.com); Megan Murphy Wolf; Richard Greene; Stephen McGoldrick;  
Thomas Miranda; Todd Thompson (tkthompson@yahoo.com); William Scher

Hi Mary –

I would appreciate these copies being distributed to the charter review members.

While the changes I have heard discussed reflect practical amendments in the selection of the committee members from elections to pay scale they have not addressed the operation of the committees themselves but rather the operations of the city council and the selection of the committee members.

It is in the committees that in reality the legislation is drafted. As a practical matter for the most part currently the city council itself almost always goes with the recommendation of the committees. (I know of no exceptions)

The result is that currently more often than not the city council acts as a rubber stamp. (And I could give many examples if necessary). To explain this operation in greater detail I have included my guest columns from the Daily Hampshire Gazette. They reveal the key to why I spent extensive time investigating just how the city council operates and what I found out about how the city government works on a day to day basis.

This material is provided in support of the email I sent outlining revisions to the charter, Charter 5 - Functions of City Council committees. – 6. They are

The proposed wording changed:

*City Council committees shall review proposed ordinances referred to them and draw up a document stating the pros and cons of their stated position in favor of or in opposition to a given ordinance. Said document should be available to the public prior to any vote within the city council for an opportunity by the community to amend with pros or cons on the issue, so long as it is stated in a factual fashion.*

The first page entitled 'Open doors on city's lawmaking' was based on a study of how the committees work in relation to city council. (july 15, 2011) . The research for that article followed my incredulity in the way a local zoning law was weakened by being turned back without an 'open' formal hearing.

While as a local abutter I had received a card telling me of a hearing to discuss the proposed zoning change, I subsequently learned from the sponsors of the change that the hearing was meaningless and

that it was only being held as the city was legally required to hold a hearing. Please reread that sentence.

I was told this in all candor only because I was and am friends of the sponsors of the legislation. What is more I was told that was how the city government operated.

I couldn't believe it. Yet, my investigations showed it to be the case. The chronologically first article April 29, 2011 'zoning law is one step back' was my honest attempt to have an impact. The second article chronologically July 15, 'open doors on city's lawmaking' was after I was informed that no new ideas were being formed and that whatever I said be it via the article or at the hearing or in person or whatever was irrelevant.

That was a shame. But perhaps some good can come from it if it leads to a revision in the charter.

All sides must be heard. The pros and cons must be presented before a vote is taken. A 21<sup>st</sup> century means must be allowed for citizens to have their views included even where they are too fearful to come before the city council.

The fear is legitimate as Councilor testified to. As he stated he was pilloried for even asking for a debate on the CPA. Not harassed for coming out against the CPA but for asking for a discussion of the CPA. There are many far more serious and pressing issues for which a dialogue does not exist.

Please let's put an end to the back door legislating. There is no excuse for it. By assuring that all inputs **pro and con** CAN BE HEARD in open government we can do this, we can fix it. As a computer expert I can testify to the practicality of its implementation.

Thank you,

Barry Roth  
413 587 9842

## GUEST COLUMN

# Open doors on city's lawmaking

By BARRY ROTH

**NORTHAMPTON** — Over the years, there has been grumbling in Northampton that the city makes law out of view of the public. When I recently attended a hearing to become involved in a motion I felt would result in weakening an environmental law, I was disheartened to learn I had come into the process too late to have any real effect.

So I set out to find just what the process was. This guest column reflects those findings and concludes that what is needed is what I call a "truth in legislation" law.

Some may argue that ample opportunity is given to get all opinions, but in reality, back-door legislating is the rule and not the exception and it is because of the process, not the individuals involved. The legislative procedure is designed to give the appearance of being open and to follow the letter of the law to guard against legal suits, but open dialogue and consensus-building in fact are often lost.

It is essentially a five-step process and this is how it works: First, someone with an agenda goes to a city councilor(s) to take up their cause. Second, the councilor(s) then asks the City Council to vote to send it to committee(s) to be researched.

Committees already exist for most categories of city business, but if necessary a new one can be created. Third, the committee "investigates" and then reports back. Fourth, a hearing may then be held on the findings. Fifth and finally a vote is taken in council, followed by a required second vote.

This sounds great. Step two is announced in the newspaper and listed on the city's website. How-

Only proponents of new laws in Northampton have a clear idea of what is at stake — and so what they propose is easily overlooked by most citizens. What is needed is a truth in legislation law requiring that at each step of the way, the who, what, when where and why are presented clearly and in writing and offering opposing views.

ever, it is typically a brief statement without listing the proponents and their purpose. It's missing the who, what, when, where and why. Only the proponents have a clear idea of what is at stake and so it is easily overlooked by most citizens.

It is in the City Council-assigned committee, step three, where the laws are generally drafted, and the committees are steered by the proponents. These proposed laws are then presented to the public at a "hearing" for comment, but that in reality is largely for show. It has for the most part already been decided in committee. As the mayor's aide, Karen Bellavance-Grace, wrote to me when I questioned it, "That is a standard procedure."

One would think that by the time proposed legislation goes before the councilors, in step five, they would have given serious consideration to the matters involved. However, what I found out is that the three-minute public comment time given to citizens to voice their opinions is often

about all the attention given to the matter by the councilors, who rely heavily on the committee's recommendations.

I have heard representatives criticize one another for not having properly understood an issue before voting for or against it and going along with the leadership. However, given the time available at meetings for serious analysis, this is understandable. There simply is no document written in a clear and meaningful manner presenting all sides available for them to review prior to voting; rather, the drafts to be considered are a form of "whereas" language that clouds the issue.

What is needed is a truth in legislation law requiring that at each step of the way, the who, what, when where and why are presented clearly and in writing and offering opposing views.

This document should be available to the councilors and citizens prior to each vote.

Most importantly, it should not fall on local newspapers to do the investigating and clarifying. They should have access to the written material to draw from for their articles, rather than the other way around.

Many issues are easily agreed upon, but big ones have often been contentious. Having documentation could help find common ground at great savings in time and dollars.

Let's illuminate with balanced and easily followed documentation so that those involved can better understand one another and more citizens become involved. The quality of life and the dollars at stake justify it.

Barry Roth lives in Florence and has a degree in economics.

diagnosis or a problem, and a description based on it, would be ded as "quackery." So, until man learns to take a more Hippatic approach to his political ac- es, it is as a duck, not as a cat, at least one critic will continue e him.

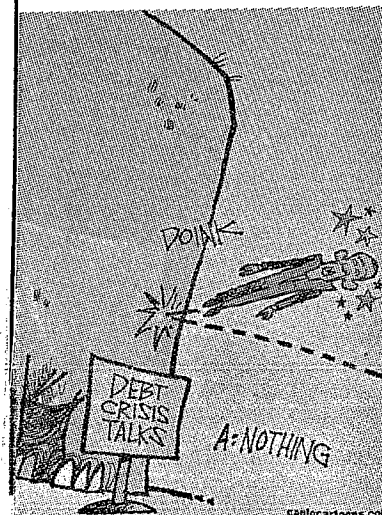
Don Schneier  
Florence

not responsible for all those errors. y are good, kind shepherds. Many em are miles from their families, g alone in a rectory (because of priest shortage). For economic ons, they have no cook or house- per. I remember thinking what a d idea it was when I saw the Rev. Duquette had a nice friendly dog ve with at the Annunciation Rec- in Florence.

strikes me that good people like late Paul Archambault should have n showered with warmth and atten- by us.

hey vowed to take care of us. We d to bring them into our daily lives families. Invite them to gradua- as, picnics, brunches, recitals, ball nes — normal family gatherings. ey might enjoy a walk in the park a nature trail. They might enjoy a e ride. We are blessed to have them. ep them close.

Pat Kapitzky  
Florence



### GUEST COLUMN

# Zoning change is one step back

**EDITOR'S NOTE:** On April 21, the Northampton City Council voted to ease rules on what can be built in a water-supply protection district. The body must still take a required second vote. Today, city resident Barry Roth questions the wisdom of the change.

By **BARRY ROTH**

**NORTHAMPTON** — The City Council is poised to allow certain water-protection laws to revert to 2007 standards for existing homes and lots, despite the fact that changes four years ago to protect watershed areas — principally in Florence and Leeds — were environmentally sound.

The primary rationales for the reversion are fourfold. From the perspective of the Office of Planning and Development, expanding density in already developed areas could help restrict urban sprawl. Some local property owners who missed notification about the 2007 changes and object to them, want their input heard. Some feel sympathy for those who cannot afford to move and want to make room for growing families, but face building restrictions.

Others assert the current laws discourage businesses from expanding and constrain construction jobs in a difficult economic period.

The rationales are decent-hearted and have a reasonable basis. However, as it stands, this is a flawed move that will lead to a degradation of the quality of life in the area, even if it is only incremental. While the proposal recog-

A Northampton resident is concerned about the impact of a pending revision to 2007 restrictions about building in a water-supply protection district.

nizes that sacrifice is placed upon current property owners, it does not acknowledge the loss that will come to the community if the current statutes are overturned and expanded construction ensues.

One has only to go behind the R.K. Finn Ryan Road Elementary School to see an example of the consequences of overbuilding. Back there, it is a lake most of the year. Yet, one of the petitioners for the new law lives right next to the "lake" and would in theory remove more ground, further adding to the flooding.

Walk a little ways along Austin Circle and you will see three new garages that have been put up. Supposedly, these are examples of how beautiful an expansion can be. Yet this too adds to flooding and that fact seems to be overlooked.

In my own backyard, on Acrebrook Drive, trees are being washed away by flooding. I believe this is caused by construction which is channeling water into a limited space.

Much of Florence and Leeds stands atop a watershed area that, given today's scientific knowledge, would probably not be allowed to be built upon today.

I'm concerned by what seems to be a general retreat by leaders

of the community as regards the environment. Recently, local leaders opposed a proposed expansion of land frontage in the most rural parts of our communities, from 175 to 500 feet.

What is really at stake is an ethos and shared sense of value. I, for one, would be willing to allow for this greater congestion if it was part of a plan to protect the rural areas of our community. However, that does not seem to be the case. Rather it is a stepping stone leading to construction down the line, including in rural spaces.

And the demand will come, as extended cable makes it possible to conduct business in ever more remote regions of the state.

If our local community is to make this sacrifice by reverting to the old law, make it have meaning: Tie it to a 500-foot minimum frontage requirement in the more pristine areas as originally proposed by the Planning Board.

If that can't be done, the law should not revert. A better alternative would be to allow a three-month open period in which anyone wishing to build further upon their properties be allowed an expedited review. Then close it off and keep the new safer environmental laws as they exist. That would reinforce a respect for the environment and shared sacrifice.

By thinking as a community and taking care of the little things, eventually the big things will take care of themselves. As caretakers, if we protect the environment, the environment will take care of us.

**Barry Roth lives on Acrebrook Drive in Northampton.**

by attacking the problem we will face over the next 10 years: rising home-heating costs? Couldn't we find a better way to attack the problem we face, over the next 10 years? What are our priorities?

**Kevin Collins**  
Amherst

conservation advice and qualified work. CPA funds would help relieve the annual budget from this cost. Our state-supervised inventory of the historic homes and structures in is 60 percent completed. The cost of meeting the professional standards for documenting the history and architecture of these buildings has been almost entirely met by private donations from the Pelham Cultural Council and Pelham Historical Society. Completion of the inventory will make our town more competitive for certain grants, but costs are increasing. Our state donors cannot be expected to do all that remains to be done. It is a sound fiscal sense for Pelham to use this new funding source to help preserve, document and renovate our significant historic assets at the least cost to the town.

**Joseph S. Larson**  
Pelham

Joseph S. Larson is chairman of the Pelham Historical Commission.



## Mary Midura

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**From:** Bill Dwight [bdwight@comcast.net]  
**Sent:** Wednesday, December 14, 2011 2:36 PM  
**To:** Mary Midura  
**Cc:** David P. Stevens; Gail L. Perlman; Madeline Weaver Blanchette; Marc Warner (marc@warnertransportation.com); Megan Murphy Wolf; Richard Greene; Stephen McGoldrick; Thomas Miranda; Todd Thompson (tkthompson@yahoo.com); William Scher; Bill Dwight; Corinne Philippides; David Murphy; David Narkewicz, External; David Narkewicz (david.narkewicz); Elaine Reall; Gene Tacy; George Zimmerman; Jesse Adams; Karen Marino (marino287@comcast.net); Lyn Simmons; Marianne LaBarge; Maureen Carney; Owen Freeman-Daniels; Pamela Schwartz; Paul D. Spector (pauldspector@gmail.com); Susan Wright; Wendy Mazza  
**Subject:** Re: December 14, 2011 Meeting  
**Importance:** High

Dear Mary et al.,

I'm sorry that I will not be able attend tonight's meeting because of multiple conflicts.

I do have some thoughts to share relative to the agenda, though.

The divisions of power seem to be a priority for many of the people who have testified during Public Comment. Some of that conversation has been driven by event specific circumstances and feelings associated with one administration or another. While I understand the inspirations, I agree with Judge Perlman that anecdotal examples should not define a document that may end up serving Northampton for generations to come.

I know that some of the recommendations include assigning greater authority to the Council President, specifically to preside over the Council Meetings, which, I presume would include setting the agendas. My thoughts on that are:

- 1) A Council President with ambitions or an agenda could effectively co-opt Mayoral authority by blocking administrative initiatives from coming to the Council floor.
- 2) The additional responsibilities could be onerous, especially given that a Councilor likely would not have the time, the means nor the flexibility to devote to the minutiae required to manage effective governance. Councilors, more often than not, work other jobs and do not have an office or a staff beyond the heavily overburdened Executive Secretary.
- 3) The Council President is elected by the Councilors, not the public. The powers vested in that position should reflect a consideration of that distance from accountability.
- 4) I have no objection to the Council President chairing the Council Meetings and serving as a parliamentarian but the agenda should be mandated to include the Mayor's proposals.

I have stated before during Public Comment that I am opposed to term limits. Imposing term limits suggests that the will of the electorate is flawed and corrupted and needs to be managed. A public servant that is re-elected multiple times usually reflects a sense of satisfaction or, at worst, an ambivalence on the part of the voters. It is not for us to say that we know better. That's not to say that I don't understand the frustration expressed by many that career politicians enjoy an advantage of incumbency, and by extension, money and influence. I do understand and even agree. I am disturbed by the dysfunction that manifests in our government inspired by the cynical aggregation of power and leverage. But those problems should be addressed by review and revision of election and campaign laws not by our municipal charter.

As to term lengths, I've always felt that the Mayor's term should be longer to be more effective. The extended time would allow the Mayor the flexibility to predicate crucial decisions based on community priorities rather than expediency. I am of no particular mind as to the length of Council terms. Their service is as members of a representative body, and as such, perhaps should be reviewed in an election process more frequently.

Once again, I am grateful and appreciative for the thoughtfulness and dedication you have all brought to this challenging and critical process. I am confident that your efforts will result in a robust and contemporary City Charter that will serve us all well. I would have sent a card but Hallmark doesn't really have anything that quite fits.

Sincerely,

Bill Dwight  
39 Myrtle St.  
Northampton, MA

On Dec 14, 2011, at 11:03 AM, Mary Midura wrote:

Just a reminder: Tonight's meeting of the Special Act Charter Drafting Committee is from **6:00 pm – 8:00 pm**.

Mary L. Midura, Executive Secretary  
*Northampton, MA City Council & License Commission*  
210 Main Street  
Northampton, MA 01060  
413-587-1210  
413-587-1264 fax

office hours: Monday - Thursday 8:30 am-4:30 pm  
Friday 8:30 am - 12:00 pm

City of Northampton email messages are public records except when they fall under one of the specific statutory exemptions. <December 14, 2011 Charter Agenda.doc>

## Mary Midura

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To: Special Act Charter Drafting Committee  
Subject: Comments RE: Charter

Committee Members: I received a call from Jane Goyette, 30 Alamo Court, Florence, MA, 584-5395, on Monday, December 12, 2011. Ms. Goyette stated her concerns regarding the Mayor's power to appoint someone - and what can people do if they have issues with that appointed person. Namely, Ms. Goyette had concerns regarding Patricia Shaughnessy, Senior Center Director. Ms. Goyette stated that she had been stating her concerns for three years to the Mayor's office, with no action or response. Ms. Goyette also stated that she was on the building committee for the Senior Center, and has worked very hard for the Senior Center.

Ms. Goyette's email: [jlgjgg@comcast.net](mailto:jlgjgg@comcast.net)

I told Ms. Goyette I would pass her concerns on to this Committee.

Mary L. Midura, Executive Secretary  
*Northampton, MA City Council & License Commission*  
210 Main Street  
Northampton, MA 01060  
413-587-1210  
413-587-1264 fax

office hours: Monday - Thursday 8:30 am-4:30 pm  
Friday 8:30 am - 12:00 pm

Mary Midura

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From: MLaBargeWard6@aol.com  
Sent: Monday, December 19, 2011 3:18 AM  
To: Mary Midura  
Subject: (no subject)

Mary,

Could you please forward this to the Special Act Charter Drafting Committee .  
FEES. txt  
-----

Article II  
Section 54

[ 4] Oversee Water and Sewer Enterprise Funds, and have the following duties related to the same, that is to set water and sewer rates, to act on water and sewer claims and any other powers or duties granted to the department of public works under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton;

[ 4] Oversee Water and Sewer Enterprise Funds, and have the following duties related to the same, that is to recommend Water and Sewer rates to be approved or Denied by the City Council, to act on water and sewer claims and any other powers or duties granted to the department of Public Works under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton;

Re-write:

In all cases where the Board of Public works, or Water and Sewer commissioners have the power to set the water and sewer rates, such rates will be subject to the approval of the City Council.

Sincerely;  
City Councilor;  
Marianne LaBarge  
Tel- 584-7937



## Mary Midura

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**From:** owenfd@gmail.com on behalf of Owen Freeman-Daniels [owenfreemandaniels@gmail.com]  
**Sent:** Sunday, December 25, 2011 6:30 PM  
**To:** Mary Midura  
**Subject:** Charter Drafting, Water/Sewer Fees & Citizen Nominations  
**Attachments:** Nominations.txt; Fees.txt

Hello Mary,

Attached are two documents, each citing portions of Northampton's charter and my proposed edits. I was asked to provide these by the chair of the committee at the last public forum.

Please pass both onto the committee.

Owen

## Nominations

Current Charter:

Article I

Section C-14

In all cases in which appointments are directed to be made by the Mayor and Aldermen, the Mayor shall have the exclusive power of nomination, which nomination shall be subject, however, to confirmation or rejection by the Board of Aldermen;

Re-write that section:

In all cases in which appointments are directed to be made by the Mayor and City Council, the Mayor shall have the power of nomination, which nomination shall be subject, however, to confirmation or rejection by the City Council. The City Council shall also have the power to nominate, which nomination shall be subject, however, to confirmation or rejection by the City Council. Any qualified voter may also be nominated for appointment by fifty qualified voters of the city of Northampton, which nomination shall be subject, however, to confirmation or rejection by the City Council.

## Fees

Current Charter:

Article II

Section 54

(4) oversee Water and Sewer Enterprise Funds, and have the following duties related to the same, that is to set water and sewer rates, to act on water and sewer claims and any other powers or duties granted to the department of public works under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton;

Re-write that section:

(4) oversee Water and Sewer Enterprise Funds, and have the following duties related to the same, that is to recommend water and sewer rates to be approved or denied by the City Council, to act on water and sewer claims and any other powers or duties granted to the department of public works under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton;

Or, place somewhere into Article I, to supersede Article II:

In all cases where the the Board of Public Works, or Water and Sewer commissioners have the power to set the water and sewer rates, such rates will be subject to the approval of the City Council.

## Mary Midura

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**From:** Wendy Mazza  
**Sent:** Monday, December 19, 2011 1:24 PM  
**To:** David P. Stevens (E-mail)  
**Cc:** Mary Midura  
**Subject:** FW: Instant Runoff Voting  
**Attachments:** Instant Runoff.docx

Hi David,

Forwarding some info to you about our voting machines and instant runoff voting

Wendy

-----Original Message-----

**From:** Urosevich, Todd [<mailto:tvurosevich@essvote.com>]  
**Sent:** Monday, December 19, 2011 12:06 PM  
**To:** Wendy Mazza  
**Subject:** FW: Instant Runoff Voting

-----Original Message-----

**From:** Urosevich, Todd  
**Sent:** Monday, December 19, 2011 11:03 AM  
**To:** 'wmazza@northhamptonma.gov'  
**Cc:** Amick, Jerry  
**Subject:** Instant Runoff Voting

Wendy

As a follow up to our conversation this morning, I have attached a document for your review describing our experience with Instant Runoff Voting and specifically as it applies to the Eagle tabulator. As you will see in the attached, there would be many obstacles to bringing this functionality forward to be used in a Massachusetts election, not to mention the developmental cost that our Company and your jurisdiction would incur. In short, it would not be practical nor feasible due to certification issues to accommodate the request to modify the Eagle to handle this form of voting.

If I can be of any further assistance or provide you with any additional information please do not hesitate to contact me directly.

Todd V. Urosevich  
Election Systems & Software  
Regional Sales Manager  
402 321 3842  
[tvurosevich@essvote.com](mailto:tvurosevich@essvote.com)

## **"Instant Runoff" or "Ranked Choice Voting" Functionality for the IIP Eagle Tabulator**

The "Standard" IIP Eagle tabulator that Northampton possesses at this time will not accommodate RCV tabulation and processing.

ES&S did develop Ranked Choice Voting for the IIP Eagle back around 2000, very specifically for a customer that we currently no longer service. The Eagle tabulator would need to be retrofitted with additional hardware and Custom firmware to accommodate the collection of "Votes Cast Records" to a PCMCIA memory card, which would then need to be processed through the ES&S Election Reporting Manager software. The ERM software only processes one specific RCV algorithm for the "Instant Runoff" tabulation, so if this were to be used by Northampton, that tabulation algorithm would have to be acceptable.

The hardware required to interface with the PCMCIA card, is antiquated and difficult to come by today. ES&S customized that hardware and the firmware on which it operates, in addition to customizing the firmware on which the Eagle runs. It appears that MA certifies Hardware and its firmware, so IF Northampton chose to pursue this functionality, and ES&S were actually able to acquire the necessary hardware to do so, it would probably require State Certification. There would of course, be costs associated with accomplishing any/all of the above.

The functionality in the ERM software already exists in version 7.1.2.1. It does not appear as though MA certifies Software, so simple purchase of the ERM software, and the peripherals necessary to read the Eagle Memory packs and/or the PCMCIA cards would be necessary.

## Mary Midura

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**From:** David Narkewicz  
**Sent:** Monday, December 19, 2011 10:56 AM  
**To:** Mary Midura  
**Subject:** Info for charter drafting committee  
**Attachments:** MayorCouncilPress1990.pdf

Dear Mary,

I found the attached series of 1990 Daily Hampshire Gazette news stories in my research files this weekend and wanted to share them with the Special Act Charter Drafting Committee. They pertain to the role of the mayor at city council meetings and the last major effort to change that structure.

Thank you and please let me know if you have any problems opening the file.

Sincerely,  
David

> --  
> David J. Narkewicz  
> Acting Mayor/Council President  
> 210 Main Street  
> Northampton, MA 01060  
> 413.587.1249  
>

Not Available 01/19/90

## **Daily Hampshire Gazette**

**Published:** 01/19/90 Story Type: A Story from the old system

**Page:** 85Enhancement Words: Default

**Correction Date:**

**Correction:**

**Photo/Graphic:**

NOT AVAILABLE

**Byline:**

# 624

By BRENDA ELIAS

Gazette Staff

NORTHAMPTON - For as long as anyone can remember, the mayor has run City Council meetings.

Now two city councilors are spearheading an effort to put the council president in charge.

John Morrison of Ward 4 has revived the proposal first initiated in 1984 by Councilor James G. Brooks. The City Council's

rules

committee will discuss the proposal Tuesday at 7:30 p.m.

Morrison said by having the council president chair the meetings, "checks and balances" would be added to city government.

"It's analagous to the federal government. We don't have the president of the United States as Senate president," said Morrison, who added that his research shows other Massachusetts cities have the council president run council meetings.

Mayor David B. Musante Jr. said

last night that Morrison's proposal is all right with him.

Making such a change, however, would require amending the City Charter, an involved process that at-large Councilor Mary L. Ford, council president, says could take years.

Assistant City Solicitor Kathleen Fallon said today that a charter change would require approval from Northampton voters. The last time Northampton changed its charter was in 1984, when local elections changed from partisan to non-partisan.

Brooks and Morrison say the change would mean a more active role in city government for city councilors, who would be able to confirm committee assignments and initiate projects.

Councilors opposed to the change say Musante does a good job as chairman and there is no need to change a system that has worked for decades.

As chairman, Musante sets the agenda for council meetings and runs the meetings, calling on councilors when they wish to speak.

The council president is elected from among the councilors at the beginning of each two-year council session but chairs meetings only if the mayor is absent.

"This is the only city in the state that has the mayor as chair," Brooks said last night, voicing his support for the change.

Other councilors were less enthusiastic. Raymond LaBarge of Ward 7 called the proposed change "foolish."

Ford said she was not ready to commit herself on the proposed



change. However, she said, "I feel a lot of (councilors) are looking

for a more active role in setting the agenda of the meetings." She noted that could be done without changing who chairs the meetings.

"That's fairly heavy-duty," she said about changing the charter.

"And it needs serious thought before we send it to the voters."

Ward 2 Councilor William C. Ames last night expressed opposition to the proposal.

At-large Councilor Paul D. Bixby, Michael Kirby of Ward 1 and Leonard Budgar of Ward 3 all said they want to consider the

issue further before taking a position.

"It doesn't take any power away from (the mayor)," Morrison said.

"It would be adding checks and balances."

Members of the rules committee are Ames, who is chairman, Morrison, and Ward 5 Councilor John E. FitzGerald Jr., who is recovering from a heart attack and attended only part of last night's council meeting.

When informed last night that the rules committee will discuss the issue, Musante quipped, "It'll give me a couple of nights off a month."

Later he said: "Traditionally, as long as the history of the city, the mayor has chaired City Council meetings. That doesn't have to be. Whatever is decided is fine with me."

Musante said he will attend Tuesday's rules committee meeting.

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By BRENDA ELIAS

Gazette Staff

NORTHAMPTON - Ward 4 Councilor John Morrison hopes voters can decide as early as November whether the City Council president should run council meetings rather than the mayor.

The first-term councilor said he believes he can have the issue on November's ballot.

The council and mayor first must agree that the proposal should be put to the voters. The process also calls for a public hearing to be held on the change and for review by the Massachusetts attorney general.

Morrison has revived an idea initiated by Councilor James G. Brooks of Ward 6 that calls for the City Council president to run council meetings, rather than the mayor.

Morrison said by having the council president run the meetings, "checks and balances" would be added to the system. Morrison also wants the president to appoint councilors to committees.

Those appointments would be ratified by the council.

The mayor now appoints the committees, with no confirmation by the council.

The council's rules committee discussed Morrison's suggestions last night and scheduled another meeting on Feb. 20 to review a written proposal he intends to draft. Morrison, William C. Ames of Ward 2 and John E. FitzGerald Jr. of Ward 5 are members of the rules committee.

Mayor David B. Musante Jr. said last week after the proposal first surfaced that he does not oppose the change and would abide by any charter change approved by the voters. Musante did not attend last night's meeting.

Morrison said his efforts are not intended as slight to Musante.

"We are to my knowledge the only city of our size that has a council run by the mayor," Morrison said. "The executive branch of city government has its own concerns and agendas.

"The president of the City Council has the council's concerns in mind," Morrison said.

Ward 3 Councilor Leonard Budgar, who attended last night's meeting, said he opposes Morrison's proposal.

"I don't see what the positive thing is going to be by changing our form," Budgar said. "The bottom line is how is it going to help the situation now?"

FitzGerald appeared cool to the idea and said the mechanism is already in place to allow the

council president to chair the meetings.

FitzGerald said the mayor simply does not have to attend the meetings, which means the president would run them.

"You could do that without anything more than the mayor's action, or inaction," FitzGerald said of Morrison's idea.

But Morrison said he wants the change, if approved, in writing so it is not up to "the whim of the mayor."

And Ames, who chairs the rules committee, said at this point he would neither actively support or oppose Morrison's proposal.

At-large Councilor Mary L. Ford, the council president, said the proposal would not ensure getting rid of politics in how the council is run, which is the goal of Morrison and Brooks.

"My instinct would be to not call for charter revision at this time," Ford said. It would be difficult, she said, to make a structural change in government with a mayor who has been in office for 10 years. Musante this month began his sixth two-year term.

Ford also said any change should not take effect until the next council term begins in 1992.

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By BRENDA ELIAS

Gazette Staff

NORTHAMPTON - Passage of a proposal to have the council president run City Council meetings requires approval from the person who stands to lose the most from the proposal - Mayor David B. Musante Jr.

Musante yesterday expressed mild criticism of Ward 4 Councilor John D. Morrison's plan, saying the current system, which allows

him to run council meetings, works well for the city.

According to state law, the proposal requires a two-thirds vote of the council and approval from the mayor to begin the process of changing the city's charter so that the council president would replace the mayor in running meetings of the City Council.

"Northampton's charter and our form of government has been in existence since 1654," Musante said. "And I think it has worked well for us.

"I'm not one to quickly jump and copy another system. There is an old saying that applies, 'If it

isn't broken, don't fix it.' "

Musante, however, would not say whether he will block Morrison's plan if it wins the required six votes from councilors.

Morrison said he will submit his proposal to the council on March

1. The council's rules committee discussed the measure Tuesday.

Musante said the current system that allows him to chair

council meetings reflects the fact that Northampton is a small city.

Citing councilors

William C.

Ames, Leonard Budgar, Raymond

W. LaBarge, and Mary L. Ford,

the mayor said, "People who have been around for awhile and who have some experience, I would think would probably think twice about changing our system."

When Morrison first announced his idea, Musante said he would go along with any change Northampton voters approve. Musante joked that not having to chair the meetings would "give me a couple of nights off a month."

Ford, who is city council president, has said it would be difficult to make a structural change in the city's government with a mayor who has been in office for more than a decade. She believes if a change is made, it should not take effect until the next council term begins in 1992.

Morrison said the intent of his proposal is to not reduce any of Musante's power, but to promote better communication between the mayor and councilors. He said removing the mayor from running council meetings would help him

better understand the feelings of the councilors.

Morrison also said the president should run City Council meetings to ensure a better system of checks and balances in Northampton's government.

If Morrison gets support from at least six councilors and the mayor, a hearing would be scheduled to hear from the public.

If the proposal is then approved by the state attorney general, it could go on the November ballot for a decision by the voters.

Ames of Ward 2, who is on the rules committee, appeared reluctant Tuesday to give his full support to Morrison's proposal. Ames said councilors should try to work within the current system rather than change it.

"I think the council should be a little bit more assertive in how the mayor conducts the meetings," Ames said.

For example, Ames said Musante should not be an advocate for any issue discussed during council meetings. He said if Musante wants to speak on an issue, he should temporarily remove himself as chairman before he expresses an opinion. Ames said Musante does not do this now.

The third member of the committee, John E. FitzGerald of Ward 5, did not attend the meeting.

Morrison is also proposing to set aside 15 minutes before council meetings to allow the public to address councilors.

Also, Morrison wants videotapes of council meetings to be included as a section of its minutes, or official records. Morrison said the

videotape should  
be available to  
the public to view on a videocassette  
recorder owned by the city.



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By BRENDA ELIAS

Gazette Staff

PAGE 1

NORTHAMPTON - Ward 4 City Councilor John D. Morrison's proposal to put the council president in charge of its meetings appears likely to fall short of passing its first hurdle tonight.

Councilors are split 3-3, with two others saying they want to see changes in the proposal to remove the mayor as chair of City Council meetings.

The ninth councilor, John E. FitzGerald

Jr. of Ward 5, is away on vacation and is not expected to attend tonight's meeting at 7:30 in the council chambers at the Wallace J. Puchalski Municipal Building.

The city charter puts the mayor in charge of the council meetings.

The council is expected to vote tonight on Morrison's proposal, which requires approval by two-thirds of the council - or six members - as the first step in bringing the measure to Northampton voters in November.

If the council approves, the next step is obtaining approval from

Mayor David B. Musante Jr., who has been critical of the plan.

Voters ultimately would decide on the measure because it involves changing the city's charter.

Councilors James G. Brooks of Ward 6, Michael A. Kirby of Ward 1 and Morrison said this week they will vote in favor of the measure.

At-large councilor Paul D. Bixby, Leonard Budgar of Ward 3 and Raymond LaBarge of Ward 7 said they will oppose it.

At-large Councilor Mary L. Ford, the council president, and Ward 2 Councilor William C. Ames each said this week they would be more inclined to favor Morrison's proposal if it were voted on in a municipal election year, rather than in this November's state election.

Ford wants the question to go on the 1991 municipal ballot so that candidates for office know about the potential change. Ford said she would object to changing the rules halfway through elected officials' two-year terms.

Ford said she will vote against the measure "if it ... will go on this ballot to take effect immediately."

Ames said the question could become a campaign issue, if it is on the city ballot.

"I don't know yet," Ames said yesterday about how he will vote tonight. "I'd rather put it on a city ballot. Candidates for office could then take a position on it."

Councilors who support Morrison's plan say having the council president chair the meetings

would reduce the mayor's influence over the council.

Morrison has explained that having the council president run the meetings would add "checks and balances" to the executive and legislative branches of city government. Morrison also wants the president, rather than the mayor, to appoint council committees.

"The mayor is a superb administrator," Kirby said. "But it seems to me we ought to have more autonomy."

Brooks said Musante can be overbearing in the way he runs the meetings.

Other councilors, however, said the system has worked for many years and there is no reason to change it.

"(The system) has been good since 1654," LaBarge said. "I don't think we should change it now."

Budgar said removing the mayor from the meetings may segregate him from the council and create bad feelings between the council and mayor's office.

"We should have two-way communication between the mayor and councilors," Budgar said.

Bixby said: "I think it's important that the mayor be there. We've conducted business in this setting, and it's worked out.

"Besides," Bixby said, "the meetings wouldn't be as interesting" without the mayor."

The council tonight will also vote on other changes to the rules of council meetings proposed by Morrison. They are:

Setting aside 15 minutes before council meetings to allow the

public to address councilors on any matter.

Including videotapes of the meetings

as part of their minutes, or official records. Continental Cablevision tapes the meetings, and the city can obtain copies of the videotape.

Requiring City Council committees to submit written reports to the full council that would be read aloud.

Establishing a routine order for all council meeting agendas. Currently, the presiding officer, the mayor, sets up the agenda in the order he wants.

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By MICHAEL VITO

Gazette Staff

PAGE 1

NORTHAMPTON - Observers of City Council meetings can expect to hear less from the mayor, now that the council has passed a rule change limiting his role in debates.

The council last night voted 7-1 to support rules changes proposed by Councilors John D. Morrison of Ward 4 and John E. FitzGerald Jr. of Ward 5 that permit the mayor to state facts, but only in response to questions posed by

councilors. The change prevents the mayor from initiating dialogue.

The rules change will sharply curtail the style of Mayor David B. Musante Jr., who often engages in sharp debate with councilors, particularly over the past year as council meetings have become more contentious.

The mayor still will preside over the council, bringing business before it, ruling on motions and recognizing councilors who want to speak.

Only Ward 3 City Councilor Leonard Budgar voted against the

change. Raymond W.

LaBarge of  
Ward 7 was absent. Morrison and  
FitzGerald were supported by at-  
large councilors Paul D. Bixby  
and Mary L. Ford, Michael A.  
Kirby of Ward 1, William C. Ames  
of Ward 2, and James G. Brooks  
of Ward 6.

After last night's meeting, Morrison  
said he was pleased with the  
results, and with the grace Musante  
displayed in accepting the  
terms.

"I feel as though this is a device  
for making things a little easier,  
as long as we all abide by it,"  
Morrison said.

Although  
Musante's statements  
to the council were calm, he  
acknowledged that their working  
relationship over the past year  
has frustrated him. He cited the  
many verbal battles he has had  
with individual councilors during  
meetings.

"I've really tried to keep my  
cool. Over the past year, you've  
been a tough group to work with. I  
don't work for you. I work for the  
30,000 people here. There still  
needs to be some degree of respect for  
this office," Musante  
said.

But Musante also acknowledged  
that in the past he has gotten  
carried away in debate.

"I can be very passionate, I  
have to say that," he said. "But  
you have a mayor here who's  
been in public office for 26 years,  
and 11 years as mayor. I hope  
that you will take some of that  
experience and listen to it -  
rather than voting in a vacuum."

FitzGerald suggested that Musante could

submit his proposals in a written packet, and assured him that the council probably would continue to turn to him for advice.

Ford, the council president, told Musante that the council feels he is using his role as chairman as a pulpit to preach, rather than to inform councilors. Ford said a change was necessary so that business would run more smoothly.

Bixby said that in his 18 years in office, he has worked with other mayors and has witnessed many fights in the council chambers. He said those in the past year are the worst he has ever seen.

Although Bixby said councilors can share some of the blame for the bitter battles that took place last summer, he said Musante ultimately was responsible. "As chairman, you set the tone for how we're going to debate. It's your responsibility to maintain decorum," he said.

Councilors have expressed concern that Musante has been too domineering in meetings and that he drowns them in rhetoric while supporting his own ideas.

Although not entirely pleased with the City Council's decision,

Musante said after the meeting that some type of compromise was needed so that "we start the new year off on the right foot and put this past year behind us."

Musante also said he hopes the measure will bring a better rapport between him and the council.

"There has to be a mutual

respect between the mayor and  
the City Council, that has to accepted,"  
he said.



## Mary Midura

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**From:** barry [abenideemail@comcast.net]  
**Sent:** Wednesday, January 04, 2012 2:25 PM  
**To:** Mary Midura  
**Subject:** Charter Revision - pros and cons

Barry Roth  
413 587 9842  
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florence, ma 01062

1/4/2012

Northampton Special Act Charter Drafting Committee  
(David, Gail, Madeline, Marc, Richard, Todd, William, Thomas, Megan, Stephen, Edward, Mary)

Hi All -

I wanted to recap some of my earlier comments in light of the meeting held in December within the City Meeting room (3<sup>rd</sup> floor). A couple of points worth stressing.

At the meeting, I again pointed out the urgent need for a presentation of both the pros and cons of issues which come up for a vote before the city council – David, asked me if I meant this in the form of best practices.

I wasn't clear on the meaning of the question and conscious of the camera and the group I withheld asking for clarification. That said I wish to reemphasize that this requirement should not be a kind of best practices suggestion. **It needs to be a requirement within the charter as previously outlined.**

And I also realize that we are being given guidance by Stephen McGoldrick. Based on his comment that 'modern' city charters are pretty brief, Stephen appears to be looking for precedent in other city charters. Overall that is probably a good thing. However, the proposed change (pros and cons before vote) probably does not exist in other city charters as yet.

It is my belief that the quality of life- standard of living is declining and the assault on the environment expanding, despite the unbelievable progress science is making. The disconnect lies in government as it is operating but the wonders of science are masking it for now. And that is caused by a breakdown of discussion between differing factions. Even when it may be the minority view that is holding sway.

It seemed that the testimony of Jim Dostal, Mary Clare Higgins and Mary Ford provided further support for this need.

Specifically Jim Dostal said, he didn't see how the council members would find the time to properly research all the subjects that came before them. (which is why there need to be pros and cons presented to them before votes)

And former mayor Higgins said how often it was necessary for the Mayor to fill the council in, as the Mayor might be the only one to fully understand the issue.

But really scary to me and driving home the point was when Mary Ford remarked at how she remembers voting matters coming out of committees in which someone objected because of potential harm to 'fresh water mussels'. She seemed to find it an irrelevant matter and said how it wasn't necessary to worry, as there was always someone on the committee to argue for the 'fresh water mussels' or other 'contra perspective'.

Unfortunatley that IS NOT ALWAYS the case. The environment has taken a huge hit over the last few decades. I have a photo collection of crushed turtles from around town. It is more than just 'mussells' being lost and unless all living things are treated with respect no living things will be. Real politik not every committee has someone speaking up and that is precisely why the 'pros and cons' needs to be accessible as an open document where the inputs of the community can be easily brought in, without fear of retribution, and therefore the wisdom of the community as a whole will have an effect. When all sides of an issue are allowed to give their views honestly those of good will, will be better able to reach fair decisions.

Again as a database specialist this would utilize well tested methodologies.

One other point, along similar lines.

The question was brought up as to whether or not citizens should be able to request before the city council that subjects be brought into committees for discussion.

This is another very important matter. In the real world the councilors for whatever reason are only open to certain themes. Here is but one very simple example of which I could present many:

There is a rule on the books that only allows The Gas Company to install lines 1 year out of five. The reason probably is because of disruption to roads etc. However, with the cost of fuel going through the roof this should surely be looked at. My electric bills are twice what gas bills would be and I can't get them to run the line. Yet, my city councilor has not brought this up – despite a number of attempts to get her to do so. Why? .. Does it matter --- this is just one real world example where lots of \$\$\$ are involved and could save the community as a whole a lot of money.

Thanks  
Barry Roth  
413 587 9842